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A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-24 and 5-40, by amending section 1002 and adding a new section 1004 to provide that all persons convicted of an offense against the Federated States of Micronesia shall be committed to the custody of the Attorney General of the Federated States of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 1002 of title 11 of the Code of the  
2 Federated States of Micronesia is hereby amended to read as follows:

3 "Section 1002. Authorized sentences. In any case where  
4 the Court finds that the ends of justice and the best  
5 interests of the public and the defendant do not require  
6 that the maximum sentence permitted by law be imposed on a  
7 person convicted of a crime, the Court may impose a  
8 sentence consisting of any one or any combination of the  
9 following:

10 (1) imprisonment for a term less than the maximum  
11 allowed by law;

12 (2) imposition of a fine as prescribed by law;

13 (3) suspension of a term of imprisonment and/or fine  
14 upon such reasonable conditions as shall be set by the  
15 Court;

16 (4) suspension of imposition of sentence on such  
17 reasonable conditions as shall be set by the Court;

18 (5) probation for a period not exceeding the maximum  
19 term of imprisonment to which the convicted person could  
20 have been sentenced upon such reasonable conditions as  
21 shall be set by the Court;

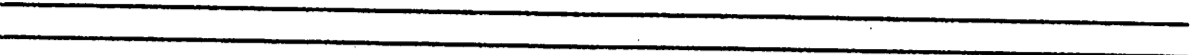
22 (6) appropriate restitution, reparation, or service  
23 to the victim of the crime or to his family; and

24 ~~(7) confinement to a particular geographical area, and~~

25 ~~(8) a period of community service."~~

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C. B. No. 6-245



1           Section 2. Title 11 of the Code of the Federated States of  
2 Micronesia is hereby further amended by adding a new section 1004 to  
3 read as follows:

4           "Section 1004. Commitment to Attorney General; Extension  
5 of limits of confinement; Work furlough.

6           (1) A person convicted of an offense against the  
7 Federated States of Micronesia shall be committed, for such  
8 term as the Court may direct, to the custody of the  
9 Attorney General of the Federated States of Micronesia, who  
10 shall designate the place of confinement where the sentence  
11 shall be served.

12           (2) The Attorney General may designate as a place of  
13 confinement any available, suitable, and appropriate  
14 institution or facility, whether maintained by the National  
15 Government or maintained pursuant to an agreement for the  
16 Joint Administration of Law Enforcement under chapter 12 of  
17 title 12 of the Code of the Federated States of Micronesia,  
18 and may at any time transfer a person from one place of  
19 confinement to another.

20           (3) The Attorney General may extend the limits of the  
21 place of confinement of a prisoner from time to time when  
22 there is reasonable cause to believe he will honor his  
23 trust, by authorizing, under prescribed conditions:

24           (a) Furlough of the prisoner, for periods not to  
25 exceed a total of 30 days per calendar year, to visit a

1 specifically designated place or places and return to the  
2 same or another institution or facility, with such  
3 extension of the limits of the place of confinement being  
4 granted to permit a visit to a dying relative, attendance  
5 at the funeral of a relative, the obtaining of medical  
6 services not otherwise available, the contacting of  
7 prospective employers, the establishment or  
8 re-establishment of family or community ties, or for any  
9 other significant reason consistent with the public  
10 interest; or

11 (b) Work release to enable the prisoner to work  
12 at paid employment or participate in the community on a  
13 voluntary basis while continuing during non-working hours  
14 as a prisoner in the institution or facility to which he is  
15 committed.

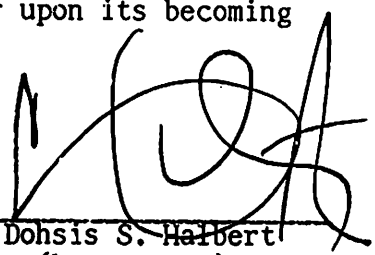
16 (4) The authority granted by subsection (3) is a 'law  
17 enforcement function' within the meaning of chapter 12 of  
18 title 12 of this Code, and as such may in the discretion of  
19 the President be delegated pursuant to an agreement for the  
20 Joint Administration of Law Enforcement with a State except  
21 that no prisoner may be transferred from one State to  
22 another without the approval of either the Attorney General  
23 or the Governor of the other State.'

24 Section 3. This act shall apply to any person in custody as of  
25 the date of enactment or thereafter as a result of conviction of a

1 National offense.

2 Section 4. This act shall become law upon approval by the  
3 President of the Federated States of Micronesia or upon its becoming  
4 law without such approval.

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6 Date: 5/31/90

Introduced by:   
Dohsis S. Halbert  
(by request)

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